



# Austin City Council MINUTES

For FEBRUARY 28, 1985 - 1:00 P.M.

Council Chambers, 307 West Second Street, Austin, Texas

## City Council

Ron Mullen  
Mayor

John Treviño, Jr.  
Mayor Pro Tem

Council Members  
Mark Rose  
Roger Duncan  
Sally Shipman  
Mark E. Spaeth  
Charles E. Urdy

Jorge Carrasco  
City Manager

Elden Aldridge  
City Clerk

## Memorandum To:

Mayor Mullen called to order the meeting of Council, scheduled for 1:45 p.m. and announced Council would have a meeting of the Austin Housing Finance Corporation. At 1:45 p.m., Council convened for their regular meeting. Mayor Mullen noted the absence of Councilmember Spaeth.

## MINUTES APPROVED

The Council, on Councilmember Shipman's motion, Mayor Pro Tem Trevino's second, approved minutes for the regular meeting of February 21, 1985. (6-0 Vote, Councilmember Spaeth absent.)

## CONSENT ORDINANCES

The Council, on Mayor Pro Tem Trevino's motion, Mayor Mullen's second, waived the requirement for three readings and finally passed the following ordinances in one consent motion. (6-0 Vote unless otherwise stated)

## Zoning Ordinances

Amend Chapter 13-2 of the Austin City Code (Zoning Ordinance) to cover the following changes:

## Zoning Ordinances - (Continued)

LOUIS & FRIEDA  
GERHARDT  
By Leon J. Barish  
C14-84-158

804 Winflo

From "SF-3" to  
"MF-3"

JIMMY YOUNGQUIST  
By Ken Harris  
C14-84-361

2200 Tillery Street

From "SF-2" to  
"LO"

ROB ROY NORTH LTD.  
By David Armbrust  
C14-84-347

8100 R.M. 2244

From Interim "SF-3"  
to "SF-6"

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EMERGENCY PASSAGE OF ORDINANCE  
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Passed through FIRST READING ONLY the following two ordinances:

G.A. & LEONA MCNEIL  
By David B. Armbrust  
C14-84-313

406 Sterzing Street

From "SF-3" to "LO"

## FIRST READING ONLY

(4-1-0 Vote, Councilmember Shipman voted No, Councilmember Duncan abstained because he had not been present at the hearing, Councilmember Spaeth absent.)

AUSTIN BOWL-O-RAMA  
By Thomas J. O'Meara  
C14r-81-233

4614 U.S. 209 West

From Interim "SF-2"  
to "GR" & "GO"

## FIRST READING ONLY

(4-2-0 Vote, Councilmembers Shipman and Duncan voted No.)

Ordinance Corrected

Approved an ordinance correcting No. 840628-N.

Charter Bus Service

Waived the fees for Charter Bus service established in Ordinance 810924-W, for an official delegation from the Soviet Union touring the City of Austin on March 8, 1985 at the request of the Governor's office and Congressman Pickle.

## CONSENT RESOLUTIONS

The Council, on Councilmember Shipman's motion, Mayor Mullen's second, adopted the following resolutions on one consent motion:  
(6-0 Vote, Councilmember Spaeth absent)

Consent Resolutions - (Continued)

Land Acquisition

Approved acquisition of the following:

- a. A tract of land for the Spicewood Springs Road/Mesa Boulevard to 1800 feet West Project. (E.J. Bomer & C.A. Davis) CAPITAL IMPROVEMENTS PROGRAM No. 78/62-31
- b. A tract of land for the Spicewood Springs Road/Mesa Boulevard to 1,800 feet West Project. (R.T. Mayfield Company) CAPITAL IMPROVEMENTS PROGRAM No. 78/62-31.

Lease

Approved amending lease with Travis Properties for Financial Services Department.

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Amended lease with Morin M. Scott, Trustee (Brown Building) for the Health Department.

Item Pulled

Pulled off the agenda was consideration of a resolution to consider rejecting all proposals received for the sale or trade of City owned tract of land. (St. Elmo Road at Friedrich Lane)

Change Order

Approved a Change Order in the amount of \$17,670.41 to Pat McMahon, Inc. for Fire Station No. 27. (3.9% increase of the original contract) CAPITAL IMPROVEMENTS PROGRAM NO. 76/83-03.

Contracts Approved

The following contracts were approved:

- |  |   |
|--|---|
| <ol style="list-style-type: none"><li>a. DON E. PHILLIPS, INC.<br/>8000 Blue Goose Road<br/>Manor, Texas</li></ol> | <p>- CAPITAL IMPROVEMENTS PROGRAM -<br/>Installation of Underground<br/>Electric Distribution Facilities,<br/>Electric Utility Department -<br/>\$30,053.18 C.I.P. No. 84/15-01</p> |
|--|---|

## Contracts - (Continued)

## b. Bid award:

- (1) FEDERAL PACIFIC ELECTRIC  
c/o R. D. Erb  
5511 San Pedro Avenue  
San Antonio, Texas
  - CAPITAL IMPROVEMENTS PROGRAM -  
Power Transformers, Electric  
Utility Department - \$2,224,550.00  
C.I.P. Nos. 85/16-12, 85/16-11,  
85/16-04, 79/16-05, 85/16-05,  
85/16-06, 85/16-07 & 83/16-03
  - Item 1 - \$943,920.00
- (2) WESTINGHOUSE ELECTRIC CORP.  
201 N. St. Mary's, Suite 152  
San Antonio, Texas
  - Item 2 - \$1,280,630.00
- c. HAEGELIN CONSTRUCTION COMPANY,  
INC.  
2600 Palmer  
Austin, Texas
  - CAPITAL IMPROVEMENTS PROGRAM -  
Installation of Underground  
Distribution Facilities for  
River Place Section 1, Electric  
Utility Department - \$330,922.00  
C.I.P. No. 84/15-01
- d. J & E DIRT WORK, INC.,  
12406 Old San Antonio Road  
Manhaca, Texas
  - CAPITAL IMPROVEMENTS PROGRAM -  
Installation of Underground  
Electric Distribution Facilities  
for Green Park Section 1, 2, & 3,  
Electric Utility Department -  
\$50,355.43 C.I.P. No. 84/15-01
- e. AUSTIN ROAD COMPANY  
428 East Anderson Lane  
Austin, Texas
  - CAPITAL IMPROVEMENTS PROGRAM -  
North Bluff Drive, Phase II Paving  
and Drainage (Intersection with  
Nuckols Crossing Road) including  
Water and Wastewater adjustments,  
Public Works Department -  
\$578,648.90 C.I.P. No. 78/62-32,  
83/22-04 & 83/23-04
- f. AUSTIN ROAD COMPANY  
428 E. Anderson Lane  
Austin, Texas
  - C.D.D. #12 - Phase I Street and  
and Drainage Improvements, Public  
Works Department - \$364,394.10  
C.I.P. Nos. 76/62-15, 74/22-20 &  
74/23-20
- g. MILLER BLUE PRINT  
501 West 6th Street  
Austin, Texas
  - Surveying Equipment, Public Works  
Department  
Total \$29,271.00 85-0076-MB
- h. RIVER CITY MACHINERY COMPANY  
12949 Research Boulevard  
Austin, Texas
  - Tractor/Loader/Backhoes, Vehicle  
and Equipment Services Department  
Total \$80,066.00 80-0047-MB

**Contracts - (Continued)**

- |  |  |
|--|--|
| i. COOPER EQUIPMENT COMPANY<br>8723 Broadway<br>San Antonio, Texas                               | - Implement Trailers, Vehicle and<br>Equipment Services Department<br>Total \$59,778.00 85-0077-MB |
| j. A.R.T. - TEX APPARATUS, INC.<br>19607 Forrest Fern<br>Humble, Texas                           | - Hydraulic Rescue Tools, Austin<br>Fire Department<br>Item 1 - \$34,425.00 85-0104-AV             |
| k. MOTOROLA COMMUNICATIONS &<br>ELECTRONICS<br>7600 Chevy Chase Drive, Ste. 510<br>Austin, Texas | - Radio Communications System,<br>Water & Wastewater Department<br>Total \$1,305,690.00 80-0322-DH |

**Community Facilities Contract**

Approved entering into a Community Facilities Contract with Steve R. Scott for East Bouldin Creek Improvements.

**Financial Forecast**

Approved acceptance of the Five-Year Financial Forecast.

**Municipal Building Retrofits**

Approved project application to the U.S. Department of Energy for Innovative Financing of Municipal Building retrofits.

**Item Pulled**

Pulled from the agenda, by staff, was consideration of a resolution granting waivers from compliance with the Northwest Land Use Guidance Plan pursuant to Ordinance No. 841220-FF to certain development projects reviewed by the City Manager.

**Site Design Competition Plan**

Authorized the Energy Management Commission to organize and administer the Site Design Competition Plan.

**Item Postponed**

Postponed until March 7, 1985, is a resolution requesting out-of-district service by the River Place MUD.

Public Hearing Set

Set public hearing on the following:

- a. The dedication of a storm sewer easement through a portion of Waller Creek Greenbelt: April 4, 1985 at 3:30.

**TEMPORARY ZONING EXEMPTION**

The Council, on Councilmember Shipman's motion, Councilmember Urdy's second, granted the request of John Williams Interiors, 3217 Bee Cave Road, for temporary zoning exemption, with applicant following legal staff requirements and waiver effective until applicant goes through the process, 13-2-280. (6-0 Vote, Councilmember Spaeth absent)

**CIP AMENDMENT**

The Council, on Councilmember Shipman's motion, Councilmember Urdy's second, waived the requirement for three readings and finally passed an ordinance amending the 1984-85 Capital Improvements Program by increasing the appropriation for the East/West Bouldin Creek Project by \$520,000.00. (6-0 Vote, Councilmember Spaeth absent)

**WATER QUALITY GOALS**

Andy Kovar presented the City Manager report on Water Quality Goals. His report is on file in the City Clerk's Office.

Councilmember Rose recommended an estimation be done on the amount of money needed for advanced treatment and put it on the ballot of the upcoming election with the wording that the money is not for building facilities.

Members of the Council had several questions, therefore consideration of a resolution adopting Water Quality and Operating Goals will be on the March 7, 1985 agenda.

**BRUSHY CREEK REGIONAL WASTEWATER SYSTEM**

Jim Thompson, Director of Water and Wastewater, presented the City Manager report on Brushy Creek Regional Wastewater System as follows: "The City Council sub-committee met on Friday February 22 to consider staff report. They recommend that the City of Austin participate in the Brushy Creek Regional Wastewater System for 27,500 LUE, which is Option 4A of the two options presented to Council. City staff was asked to develop funding sources to address that recommendation. We have done that and transmitted it to the Council. The total cost is estimated to be \$30,890,000.00. The original staff recommendation was to participate at a level of only 10,900 LUE's.

## SYSTEM - (Continued)

In order to allow participation at a significant level without exceeding the budget constraints that was in the \$18,000,000 1984 bond program. We have developed a funding mechanism and a funding source to address \$30,890,000.00. Council needs to be aware that in those funding mechanisms, which includes the bond proposition, the district bonds from Davis Springs MUD, some contract bonds from the North Austin MUD, Capital Recovery Fees and Utility Revenue Bonds to service annexed areas...there may indeed be some concerns that need to be addressed. Because of the additional Capital Recovery Fee devotion to this project there is a possibility there could be some cash flow problems based on the flow of Capital Recovery fees to the City in the future. This may entail some short term borrowing to address that cash flow problem if it does arise. The use of service to annexed areas funding, which is recommended at a level of approximately 2½ million dollars will impact to some degree the ability of the City to provide service to some other areas which may be annexed. That impact at this point in time is not quantifiable as far as the direct physical facilities that may or may not be impacted. The funding sources also presume the contract with Brushy Creek will have progress payments as the funds are expended as a district and as the City would be able to make progress payments rather than full up front payment of funding. This would not only allow us to better manage our cash flow, but also would allow us to save on interest and problems we may have as far as letters of credit or lost interest by an up front payment. We have received a February 25 contract draft, which is the most recent one, from the attorneys who are working those contracts up. We have transmitted to the Council a number of concerns we believe should be addressed in those contract negotiations prior to final signing of the contract. We do not believe there is anything that cannot be addressed and worked out, but we do believe it is appropriate to recognize we do have a few concerns that still need to have some language done."

Councilmember Rose asked if a resolution is close. Mr. Thompson said it is.

Motion

Councilmember Rose made a motion to agree to participate in 27,500 LUE amount and that the City Manager be instructed to sign the contract when those points are negotiated. Councilmember Urdy seconded the motion. (6-0 Vote of approval, Councilmember Spaeth absent)

## ITEM PULLED

Pulled from the agenda was action on consideration of adoption of an office/R & D allocation mechanism for the Northwest Land Use Guidance Plan.

## WOOD-ENERGY

Dr. Lawrence Cranberg appeared before Council to discuss wood energy.

## SALVATION ARMY

Mr. James Pinedo appeared before Council to discuss the impact of the Salvation Army moving into South Austin. He requested Council to find another area.

## PUBLIC HEARING - REGULATION OF FOOD SALES AND GROCERY STORES

Mayor Mullen opened the public hearing set for 2:45 p.m. on amending Chapter 13-2 and 13-2A of the City Code definition and regulation of Food Sales and Grocery Stores.

Bob Leonard, representative of Balcones Civic Association, told Council they have worked with staff in the drafting and preparation of the agreement, and urged Council pass the definition.

Motion

The Council, on Councilmember Shipman's motion, Mayor Mullen's second, closed the public hearing, waived the requirement for three readings and finally passed an ordinance amending Chapter 13-2 and 13-2A of the City Code, amending the definition and regulation of Food Sales and Grocery Stores; amending the definition and enforcement provisions of restaurants; amending the applicability provisions and site plan requirements of the compatability standards. (6-0 Vote, Councilmember Spaeth absent)

## OAK HILL WATER SYSTEM IMPROVEMENTS

Jim Thompson, Director of Water and Wastewater, presented the City Manager report on Oak Hill Water System Improvements.

Motion

The Council, on Mayor Pro Tem Trevino's motion, Councilmember Rose's second, approved Option 2. (5-0 Vote, Mayor Mullen was out of the room, Councilmember Spaeth absent)

## WOMEN IN NON-TRADITIONAL JOBS

The City Manager report presented by Carl Lynch on Women in Non-Traditional Jobs, is on file in the City Clerk's office.



**WATER CONSERVATION PROJECT**

Mike Personett's report on Water Conservation Project involving xeriscape and located on Sunshine Drive, is on file in the City Clerk's office.

**AQUA FESTIVAL RELOCATION**

Mr. Peter Engbretson, Assistant Director, PARD, presented the City Manager report on Aqua Festival Relocation. He told Council the Aqua Festival has outgrown its location on Auditorium Shores and it is recommended the activities be moved to Lake Long. However, recommendation is also made to draw the line on any future intensive development at Lake Long. The proposed site plan was shown to Council. Councilmember Rose suggested this be discussed next week for placing on the ballot for the upcoming election.

**BLUEBIRDS PRESENT CAKE TO COUNCIL**

Several little girls, representing the Bluebirds, presented a cake to Council with 75 candles in celebration of the 75th birthday of the Bluebird organization. They had baked and decorated the cake themselves.

**USE OF PARK FACILITIES**

Ms. Ruth Reeder appeared before Council to request exemption from ordinance requiring organizations to give 25% of proceeds to City when using City Park facilities. She said this pertains to the Hyde Park neighborhood celebration.

City Manager Carrasco said he would like to look at this and see if there is some way to deal with cases like this.

**EXEMPTION APPROVED**

The Council, on Councilmember Duncan's motion, Councilmember Rose's second, approved the request of Mr. Tracy Schiemenz for exemption for building permits and utilities connections to Lots 1, 2 and 3, Block 7 (Applegate Dr.) and Lot 22, Block 2 (McMillan Dr.)

(5-0 Vote, Mayor Pro Tem Trevino out of the room, Councilmember Spaeth absent.)

## AQUA FESTIVAL

Mr. Bob Ohlendorf, Mr. Mike Nixon and Mr. Jay Evans appeared before Council to request that Council place a referendum on the next City election ballot to authorize the City to lease approximately 130 acres of parkland at Lake Walter E. Long to the Austin Aqua Festival for the purpose of constructing festival facilities and developing parkland for the citizens of Austin in coordination with the City Parks and Recreation Department's master development plan for Lake Long.

Council requested this item be placed on the March 7 agenda for action.

## CITIZEN DID NOT APPEAR

Mr. Jim Nias, who had requested Council to set a public hearing on amendment to Section 1055 of the Zoning Ordinance or other appropriate relief for the owners of 2816 Rio Grande, did not appear.

## PORTABLE BUILDING AGREEMENT

Ms. Barbara Misle, who had requested to speak concerning a City waiver of specific building code restrictions as they apply to portable buildings, did not appear as an agreement had been reached.

## NORTHWEST AREA AMENDMENTS TO AUSTIN METROPOLITAN AREA ROADWAY PLAN

Council was scheduled to take action on Northwest Area Amendments to the Austin Metropolitan Area Roadway Plan.

Mick Aulick, Department of Planning and Growth Management, stated that 2222 is a most critical roadway and a 350' right-of-way is recommended.

Motion Made and Withdrawn

Councilmember Rose made a motion, seconded by Mayor Mullen to adopt staff recommendation, and then withdrew the motion and second.

Mr. Aulick next spoke concerning the extension of Parmer Lane from 620 to 1431. He said it is suggested the City of Austin get together with Williamson County and the Highway Commission to do an alignment study for a FM road. He showed maps with alternatives for Parmer Lane labeled A, B, C and D.

## NORTHWEST - (Continued)

Motion

Mayor Pro Tem Trevino made a motion, seconded by Councilmember Duncan to eliminate alternates B and D from consideration; Councilmember Shipman's friendly amendment to also eliminate Alternate A was accepted. Council approved the motion by a 6-0 Vote, Councilmember Spaeth absent.

Mayor Pro Tem Trevino stated the majority of the Council likes alternative C, but the property owners should be consulted.

Motion

The Council, on Mayor Pro Tem Trevino's motion, Mayor Mullen's second, approved Farmer Lane as proposed to the end of Davis Spring MUD, eliminate A,B,D and refine C. (6-0 Vote, Councilmember Spaeth absent)

No motions were made on any other roadway proposals.

## EXECUTIVE SESSION

Mayor Mullen announced Council will go into Executive Session pursuant to Article 6252-17, Texas Revised Civil Statutes Annotated, to discuss the following matters, and action, if any, on the matters will be taken during the public meeting after conclusion of the Executive Session:

- a. Board and Commission Appointments - Section 2, Paragraph g.
- b. Pending Litigation, including but not limited to the following items - Section 2, Paragraph e.
  - (1) Houston Lighting and Power Company, et al v. Brown and Root, et al in Matagorda County, and City of Austin vs. Houston Lighting and Power Company in Travis County - Section 2, Paragraph e.
  - (2) Carpenter, et al v. City of Austin, et al - Section 2, Paragraph e.
  - (3) Overton, et al v. City of Austin, et al - Section 2, Paragraph e.

## RECESS

Council recessed its meeting from 4:30 to 5:25 p.m. for executive session and resumed its recessed meeting at 5:25 p.m.

## HEARINGS DELAYED

Mayor Mullen stated the public hearings scheduled for 5:00 p.m. will be postponed until April 11, 1985. They are:

- To amend Chapter 13-3 (Subdivision Ordinance) Section 13-3-601a amending the boundary of the Lake Austin Watershed to include the South Shore of Town Lake from Tom Miller Dam to Zilker Park; and passage of ordinance.
- To amend Chapter 13-2 (Zoning Ordinance) Section 13-2-65a by amending the boundary of the Lake Austin Watershed to include the South Shore of Town Lake from Tom Miller Dam to Zilker Park; and passage of ordinance.
- To amend Chapter 9-10 (Rivers, Lakes and Watercourses) by amending the boundary of the Lake Austin Watershed to include the South Shore of Town Lake from Tom Miller Dam to Zilker Park.

## ZONING HEARING AND HEARING ON APPEAL

Mayor Mullen announced two items will be taken concurrently. They are the 5:01 public hearing on an appeal from Mr. James R. Retherford and Mr. James Austin Pinedo, of the Planning Commission decision to grant a Special Permit for property at 1101-1129 Barton Springs Road and 500-508 Dawson (Lola's Site) C14p-84-106.

Also the 5:01 zoning hearing on the following:

C14-84	STEVE WIMBERLY	1101-1129 Barton	From "C" 2nd H&A
428	By John Joseph	Springs Road	To "C-2" 2nd H&A
		500-508 Dawson	(CS-1)

RECOMMENDED

GRANTED AS RECOMMENDED;

WITH SPECIAL CONDITIONS AS OUTLINED  
BY APPLICANT AND NEIGHBORHOOD

Mayor Mullen asked Mr. Joseph if there was an agreement. Mr. Joseph said they have gone as far as they can go. The issue of the use has been resolved through the Special Permit and condition of use imposed on the Special Permit. He said there is still some concern by the neighborhood regarding the parking.

Mayor Mullen said his concern is about the usage and how to get that solved.

James Pinedo referred to the parking problem, "which we do not feel we have worked out an adequate solution to it. For the record I'd like to read out the agreement, Mr. Joseph please read it."

## HEARING - (Continued)

Mr. Joseph stated, "The conditions imposed on the Special Permit were that you could not use the premises for a topless bar, nude modeling, massage parlor or any other sexually explicit conduct."

Mayor Mullen asked, "The bankers approved that?" Mr. Joseph said, "It is not necessary that they O.K. that because it is the condition imposed on the Special Permit."

Mr. Pinedo continued concerning the parking. "Mr. Joseph proposed a solution to the parking to say a valet parking system be used in conjunction with the off-site parking for the subject tract. We are not convinced that will totally solve the problem. We think the problem goes deeper."

Marion Blum said the last time she spoke it was to the prevention of the topless bar at the corner of Barton Springs Road and Dawson. She said she is pleased with the agreement between neighborhood, property owner and City staff that this (topless bar) will not happen. She asked Council to address the question of insufficient parking and related traffic hazards. She cited four things:

1. Availability of a valet parking system in no way guarantees its use.
2. Concerned with proposed use of City owned property across the street for parking.
3. Violations of the zoning ordinance already occur at the lot on the corner of Dawson and Daniel Drive where crowd parks from the Flying Circus bar.
4. Most important to the residents of Daniel Drive there is dangerous traffic problems already existing on Daniel Drive, made worse by illegal parking, in spite of posted tow-away signs and Daniel is also used as a through street.

She proposed a solution to the problems:

1. Attempt the valet parking system and encourage its use.
2. Enforce zoning code enforced against violators who park illegally on a lot now zoned residential and make sure the zoning code is enforced with regard to future use of the facility now known as Lola's.
3. I would like to see Daniel made a one way east to west street, allowing parking on one side of Daniel Drive only and restricting parking entirely on Dawson.

## HEARING - (Continued)

4. Enforce parking restrictions once they are established. It would make the neighborhood safer and allow Mr. Wimberly to operate his business without conflict from the neighborhood.

Mayor Pro Tem Trevino asked, "Your request to prohibit parking on Dawson. Are you just talking about that one block?" Marion Blum said, "That first block". Mayor Pro Tem Trevino said he agrees. He said a tow-away zone can be established there and since there are no houses it would be no problem for the neighborhood. Mayor Pro Tem Trevino stated he had discussed this with Mr. Pinedo and had also discussed doing the same thing on Daniel but the residents would be subjected to the same ordinance. Marion Blum said, "If we can make Daniel a one-way street, east-west and restrict the parking to only one side of the street, we would not be hurting the neighbors and we would be enabling the traffic to flow a little more reasonably with less hazard. She said the property owners she has spoken with on Daniel are in agreement with her suggestion but not have responded to a traffic survey. Mayor Pro Tem Trevino said before he would vote on a suggestion like that he would want to be assured the property owners have no problems and support the one-way system.

Mayor Pro Tem Trevino went on to discuss the City-owned property and the fate of it. He said, "What is Mr. Joseph or his client going to do to insure parking will be available for that site? If you want to enter into some kind of an agreement with the City and pay us, regardless of what we do with that land, because I know we are going to need parking, anyway."

James Pinedo said "Those are the ways we've worked out that perhaps we could work out an agreement to where the parking problems would not affect us and the neighborhood and yet Mr. Wimberly could have his bar. There are some serious problems. The solutions we have are not perfect. If there are no parking signs on one side of the street it will be interesting to figure out what side of the street they would be on....." He said valet systems are not perfect and not used by young people, but there has been an attempt to work out solutions to parking problems. "I think maybe this is one of the reasons the ordinance required for bars twice as much parking as is required for restaurants. There is a different clientele and more car trips.....If we go ahead and approve the Special Permit and zoning change then the Board of Adjustment will feel they have, in a sense, been instructed by City Council to go ahead and give a variance to the parking requirement to comply with the action of the City Council."

John Joseph, representing the applicant Mr. Wimberly, stated, "We were initially willing to enter into a pay-lease arrangement with the City of Austin and it was not the City of Austin's position at that time to do so. However, I would like to state for the record we are willing now and will be willing at any time in the future, if the City's position were to change, to enter into a pay-lease

## HEARING - (Continued)

situation for the parking facilities if the City of Austin is willing to do so. The valet parking of the Special Permit is a condition of that Special Permit, if it is to cease, then it is my opinion the condition of our Special Permit would then no longer exist which would render our use illegal. The off-site parking is also a condition of our Special Permit. If that fails or we lose that and we do not replace it, there again, our use becomes illegal and we have to cease that particular use. There is ample precedence for Birraporetti's providing the parking. There is a letter in the packet from the Parks and Recreation Department stating there are 2,000 available parking spaces on the Coliseum property. There is a stop-light and cross-walk and "don't walk" signals at the intersection. We are willing, if it is acceptable to the City to improve the parking facility at that corner and to put up a sign announcing that it is auxiliary parking for Lola's Restaurant and announcing that valet parking is available. We also are in support of the 24-hour tow-away zone on Dawson, if that is what the neighborhood wants. I think it would really help in deterring parking along the street. If the neighborhood wants the one-way designation on Daniels and no parking on one side of the street, that's O.K. with us. We are very flexible and willing to do anything to help convince the neighborhood...if there is anything we can do in addition to what we are already doing to further enhance the possibility of no parking occurring in the neighborhood, we are willing to do that. We have done everything we can do to assure that by making these things conditions of the Special Permit."

Mayor Pro Tem Trevino asked, "Didn't you also indicate you would be willing to pay for the area you would use for parking on the City property?" Mr. Joseph said, "Yes, if the City will allow us to do so."

Mayor Pro Tem Trevino cited another establishment that uses the auditorium parking lot for their clients. "Right now we do not have any intention of using those properties so let's allow them to park there at no cost. If and when the City decides to do something on those grounds, whatever we do, we are going to have parking and at that time we will ask Mr. Joseph's client and everybody else who uses those grounds for parking to pay the City."

Councilmember Shipman said the policy of parking should be looked at because "it is contradictory if we are charging the neighborhood to use a park in the afternoon and letting businesses use free contracting of City parking. I think we need to set a policy of how we will handle it. It is fine for now, but a policy needs to be set."

Motion

Mayor Pro Tem Trevino made a motion to uphold the Planning Commission's decision, with special conditions as outlined by Mr. Pinedo and Mr. Joseph. Mayor Mullen seconded the motion.

## HEARING - (Continued)

Mr. Joseph asked, "The motion is to approve the zoning change, as recommended by the Planning Commission and deny the appeal subject to our conditions that I recited regarding parking. Would you like for us to improve the parking lot, would you like for us to put up a sign and do the valet parking as a condition of our special permit, is that part of your motion?" Mayor Pro Tem Trevino answered "Yes."

Mr. Brecher, Director of Urban Transportation, asked, "Aren't we also looking at restrictions on Daniel Street and a one-way and on Dawson a tow-away zone?" Councilmember Duncan said that is not part of the motion. Mayor Pro Tem Trevino said, "We are asking the City Manager to get staff to look at those."

Roll Call on Motion

5-0 Vote, Councilmember Urdy out of the room, Councilmember Spaeth absent.

Motion

The Council, on Mayor Pro Tem Trevino's motion, Mayor Mullen's second, voted to deny appeal from Mr. James R. Retherford and Mr. James Austin Pinedo of the Planning Commission decision to grant a Special Permit for property at 1101-1129 Barton Springs Road and 500-508 Dawson (Lola's site). C14p-84-106. (5-0 Vote, Councilmember Urdy out of the room, Councilmember Spaeth absent.)

## PUBLIC HEARING - WITHDRAWN

Mayor Mullen announced the 5:30 public hearing on Special Permit for Lost Canyon Condominiums would not be heard. The applicant withdrew his request.

## BOARD &amp; COMMISSION APPOINTMENTS

The Council, on Mayor Pro Tem Trevino's motion, Councilmember Duncan's second, appointed Dr. Charles Gregory to the EMS Quality Assurance Team, as well as Dr. Patrick Van Weiss, Mr. Don Montgomery and Max Levy. (6-0 Vote, Councilmember Spaeth absent)

The Council, on Mayor Pro Tem Trevino's motion, Mayor Mullen's second, approved Ed Calahan as a member of the Medical Assistance Program Advisory Board. (6-0 Vote, Councilmember Spaeth absent)

The Council, on Mayor Pro Tem Trevino's motion, Mayor Mullen's second, approved Monsignor Lonnie Reyes as a member of the Blue Ribbon Ethics Committee. (6-0 Vote, Councilmember Spaeth absent)



## PUBLIC HEARING SET

The Council, on Mayor Pro Tem Trevino's motion, Mayor Mullen's second, set public hearings on March 28, 1985 at 3 p.m. and March 29, 1985 at 3 p.m. on annexation of portions of FM 1826 and State Highway 290 and other land southwest of existing City limits. (5-0 Vote, Councilmember Urdy and Councilmember Spaeth absent)

## EXECUTIVE SESSION

Mayor Mullen announced Council would go into Executive Session pursuant to Article 6252-17, Texas Revised Civil Statutes Annotated, to discuss the following matters and action, if any, on the matters will be taken during the public meeting after the conclusion of the Executive Session:

Houston Lighting and Power Company, et al v. Brown and Root, et al in Matagorda County and City of Austin vs. Houston Lighting and Power Company in Travis County - Section 2, Paragraph e.

## RECESS AND ADJOURNMENT

Council recessed its meeting for executive session at 6 p.m. and adjourned its meeting at 6:52 p.m.